



# City of Grand Island

Tuesday, January 23, 2018

Council Session

## Item E-1

**Public Hearing on Request from Lakes Venture, LLC dba Fresh Thyme Farmers Market, 3535 West 13th Street, Suite 113 for a Class “C” Liquor License**

*Council action will take place under Resolution item I-1.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** January 23, 2018

**Subject:** Public Hearing on Request from Lakes Venture, LLC dba Fresh Thyme Farmers Market, 3535 West 13<sup>th</sup> Street, Suite 113 for a Class “C” Liquor License

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
  - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
  - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

Lakes Venture, LLC dba Fresh Thyme Farmers Market, 3535 West 13<sup>th</sup> Street, Suite 113 has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments. See attached Police Department report.

Also submitted was a request for Liquor Manager Designation for Richard Hodges, 405 N. 44<sup>th</sup> Street, Apt. #1118, Lincoln, Nebraska. Upon recommendation of the Police Department, staff recommends the City Council approve this request.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

### **Sample Motion**

Move to approve the application for Lakes Venture, LLC dba Fresh Thyme Farmers Market, 3535 West 13<sup>th</sup> Street, Suite 113 for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Richard Hodges, 405 N. 44<sup>th</sup> Street, Apt. #1118, Lincoln, Nebraska contingent upon completion of a state alcohol server/seller training program.

01/17/18  
14:43

Grand Island Police Department  
LAW SUPPLEMENTAL NARRATIVE

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Grand Island Police Department  
Supplemental Report

Date, Time: Thu Jan 04 10:56:31 CST 2018  
Reporting Officer: Vitera  
Unit- CID

Fresh Thyme Farmers' Market is applying for a Class C (beer,wine,distilled spirits, on and off sale) LLC Retail Liquor License, and Richard Hodges is applying to become the liquor manager. Fresh Thyme Farmers' Market is listed as a grocery store that will be open from 7AM until 10 PM daily.

While perusing the application, I noticed that Fresh Thyme Farmers' Market has ninety liquor licenses in the Midwest with Omaha having three and Lincoln one. I also found that Fran Windsor is the only person listed on the application, and Fran has lived in Telluride, Colorado for the last fifteen years. Under the criminal conviction portion of the application, Fran disclosed one speeding ticket from Colorado.

I looked for Fran in Spillman and NCJIS and did not find an entry in either database. Fran does not have any outstanding arrest warrants (NCIC search).

Moving on to the manager portion of the application, I could not find an entry for Richard Hodges in Spillman, and the only applicable entry he had in NCJIS is his driver's license information. Richard stated that he has lived in Lincoln for at least the last ten years. He also listed in his employment history that he worked for Ideal Grocery and Market in Lincoln between 1981 and 2015.

Being busy with the homicide that occurred on New Year's Day, I asked NSP Investigator Joe Hansen to line up the interview and premise inspection with Fresh Thyme. Investigator Hansen sent me some text messages from Richard Hodges saying that he was too busy to come out to Grand Island.

I met with Investigator Hansen on 1/16/18 about this application. Investigator Hansen communicated with Richard Hodges who told Investigator Hansen that Fresh Thyme has hired a store director for Grand Island named Jennifer. He did not know Jennifer's last name but said that Jennifer is going to be the liquor manager. Richard also gave Investigator Hansen a phone number for Corky Anderson who is Fresh Thyme's director of operations for the Midwest region. I called Corky and left him a voicemail telling him that my report is due this Thursday, and the Grand Island Police Department could not recommend that the council approve the license at this time. I have not heard back from Corky yet.

In summary, with Richard Hodges listed as the liquor manager applicant, and Richard telling us that he is not going to be the liquor manager, the Grand Island Police Department can't recommend that the council approve the application until we know who the liquor manger is going to be. The new liquor manager will have to be part of a resubmitted application. Even if Corky calls back and says that Richard is going to be the liquor manager, Richard has said he is too busy to come to Grand Island, and Investigator Hansen and I haven't had a chance and won't have time to meet him or see the store before this report is due. The liquor license can't be approved since the applicant filed as an LLC which requires a liquor manager, and we don't have a liquor manager.

\*\*\*\*\*UPDATE\*\*\*\*\*



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Grand Island Police Department  
LAW SUPPLEMENTAL NARRATIVE

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On 1/17/18, I received a call from Tim O'Neill who is the attorney listed as assisting with the application. Tim was very apologetic about some miscommunication and timing issues on their end. Tim said that Richard Hodges is initially going to be the liquor manager until Jennifer Lewis is ready and able to assume the position. When Jennifer is ready, Fresh Thyme will fill out a new manager application with Jennifer's information. I will also be meeting with Richard and Corky on 1/22/18 at Fresh Thyme Farmers' Market. I don't anticipate any problems surfacing during our meeting, but I will notify City Clerk RaNae Edwards if that occurs. Since we now have confirmation that Richard Hodges will be the manager at this time, and there are no issues with the liquor license application or Richard's portion of it (manager application), the Grand Island Police Department recommends that the council give local approval to the license.

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# Class "C" Liquor License Application: Fresh Thyme Farmers Market.

